

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN RE: CASE NO. 04-14603	)	
	)	
ELIZABETH A. STUTZMAN	)	
	)	
Debtor	)	
	)	
	)	
YVETTE GAFF KLEVEN, TRUSTEE	)	
	)	
Plaintiff	)	
	)	
vs.	)	PROC. NO. 05-1305
	)	
HSBC AUTO FINANCE	)	
	)	
Defendant	)	

**DECISION AND ORDER**

At Fort Wayne, Indiana on April 14, 2006.

The defendant's motion to reopen this adversary proceeding is DENIED.

The court sees no reason why it should perform a useless act, see, Bagby v. Harris, 650 F.2d 836, 838 (6th Cir. 1981), and neither the defendant's motion nor the brief in support thereof identifies any purpose that would be served by doing what the court has been asked to do – reopen this proceeding, vacate the default judgment, and then enter an agreed judgment doing the same thing the default judgment did, equitably subordinating the defendant's claim. The court's order of March 30, 2006, which required the defendant to file a brief in support of its motion, specifically directed the defendant to address that issue and to identify the purpose that would be served by its request. The brief that has been filed fails to do so. To the extent that brief suggests that the motion is based upon some type of excusable neglect that would justify relief from the default judgment, there are

no affidavits or other materials which would substantiate that contention. See, N.D. Ind. L.B.R. B-9023-1(a).

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court